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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/985,880

11/06/2001

Andrew Hamilton

003636.0131

4508

7590

05/05/2006

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EXAMINER

VO, TED T

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/985,880	Applicant(s) HAMILTON ET AL.	
	Examiner Ted T. Vo	Art Unit 2191	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-12, 16-24 and 28-36 is/are allowed.
- 6) ☒ Claim(s) 1-3, 13-15 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

#### **DETAILED ACTION**

1. This action is in response to the amendment filed on 12/02/2005 entered by filing RCE on 02/21/06.

Claims 4-12, 16-24 and 28-36 stand allowed.

Claims 1-36 remain pending in the application.

#### ***Response to Amendment***

2. Applicants' amendment and arguments have been fully considered.

Regard to Applicant's arguments as pointing to MPEP 2131 and quotes of particularly case laws.

Examiner recognized that Applicants' pointing is improper. In this reply, Applicants fail to point out the novelty presenting in the claims. The claims do not direct toward a particularly function, but merely recites many terms that can cover many aspects of the arts. Given typical examples:

"application" could be any executable file in a computer;

"run-time engine" can be read by a processor, by an operating system such as Windows, or a development toolkit, etc;

"Go method" can be read by a button click in any popup windows;

"Screen definition" is read by default setup of any image seen in computer Windows or of the Windows itself.

It should be noted that it is not necessary for a reference to document a feature that is already seen or included, common and known to a skilled artisan. Vie versa, it is not necessary for a patent application to document a well-known feature (e.g., *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379-80, 231 USPQ 81, 90 (Fed. Cir. 1986)).

A typical application must conform to screen definition (seen in a standard windows such as resize/zoom) because it is necessary, and not need to be described by a skilled artisan.

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As per Applications' mention in remarks p. 16: 1-6, Applicants clearly preempt the standard properties of "screen definition". As being already discussed, a typical application embedded, or within a Microsoft Windows can be resized and zoom (run-time). This feature must conform to or comply with a standard size of a computer screen, provided at compiled time before it becomes a run-time application. This could not be new in the art as seen in a CE Window toolkit (presenting in this action) where the CE Window toolkit shows property windows and allows screen definition parameters to be entered in the compiled time.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 13-15, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Corporation (hereinafter: Microsoft) "Microsoft Windows CE Toolkit for Visual Basic 6.0 Guided Tour", MSDN Library, 7-1999.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Microsoft discloses,

*"A method for executing application programs, comprising:*

*receiving at least one application program in a in a handheld mobile wireless client device (Windows CE is installed and run in a handheld client device. For example, see Figure 5, shows an application name "Project1" created by Visual basic and run in a Handheld PC Pro as a default Device);*

*activating said at least one application program in said handheld mobile wireless client device (It should be noted that "Project1" is only a default name; User who creates the "Project1" can rename this*

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application properly (e.g. "NorthwindCustomerInformation"). See Figure 14, a toolkit that provides an application is registered in the file system of a "client device" such as Handheld PC Pro, so that when the "project1" can be carried under this toolkit. See page 4, "Starting the Windows CE project");

*instantiating a run-time engine in said handheld mobile wireless client device* (See Figure 14, it includes "run", "debug", i.e. "project1" (of Figure 5) can be run or debug by a run-time engine of the Handheld PC Pro); *and*

*executing said at least one application program by said run-time engine in said handheld mobile wireless client device to create screen definitions with said at least one application program at run-time as if said screen definitions has been defined at compile time* (See Figure 14, it provides a run engine "run" or "debug" as in the manner of compilation when a "new project" completely coded; moreover, the Toolkit included with "Setting the Project Properties" (See page 4) provides screen definition setting).

As per Claim 2: Microsoft discloses,

*registering said at least one application program with an operating system of said handheld mobile wireless client device;* (Figure 14 includes "File" menu. "File" menu is known as a common feature associated with an operating system of the device and used in standard Microsoft Windows (Windows is also an operating system), where programs/files/applications/ are registered in a hierarchical structure.

An example to illustrate for registering is seen in Figures 1-2, or Figure 15);

*and displaying an icon configured to represent said at least one application program in response to said registration*" (This is referred as screen of the client device implemented with windows CE – See icons within/under "Name" in Figures 1-2).

As per Claim 3:

*A method for executing application programs, comprising:*

*receiving at least one application program in a client device* (For example, and application is located in "File" menu which might be downloaded from network, or created by a the toolkit. As seen page 4, "Starting the Windows CE Project", provides an Application program selected from "File" menu, or see Figure 5, "Project1, All Figures 16, 17, 18, represent "Application" already/within developed in the client device);

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*activating said at least one application program* (Figure 14 provides activating an application);

*instantiating a run-time engine* (Figure 14 includes a run-time engine "Run", or "Debug" menu);

*executing said at least one application program by said run-time engine* (A project/application created within Figure 14 can be executed by "Run" or "Debug" menu);

*registering a process identification corresponding to said activated said at least one application program*

(It is clearly that a project/application selected from "File" menu will be registered under this run/debug process); *and*

*executing a GO method by said run-time engine* (It is clearly that if a user select the "Run" menu, the predicated/registered project/application will be run under this engine. A typical example, if a user run the application and see an error, he can select "debug" menu which provide "Go" to run the program for debugging purpose).

As per Claims 13-14: The rejection of these claims is in the same reason as in Claims 1-2. See rationale addressed in Claims 1-2 above. It should be noted that a typical client device such as Handheld PC pro is constructed comprises at least a memory and a processor because of standardization of a computing device.

As per Claim 15: The rejection of the claim is in the same reason as in Claim 3. See rationale addressed in Claim 3. It should be noted that a typical client device such as Handheld PC pro is constructed comprises at least a memory and a processor because of standardization of a computing device.

As per Claims 25-26: The rejection of these claims is in the same reason as in Claims 1-2. See rationale addressed in Claims 1-2 above. It should be noted that a typical client device such as Handheld PC pro is constructed comprises at least a readable storage medium because of standardization of a computing device.

As per Claim 27: The rejection of the claim is in the same reason as in Claim 3. See rationale addressed in Claim 3. It should be noted that a typical client device such as Handheld PC pro is constructed comprises at least a readable storage medium because of standardization of a computing device.

***Allowable Subject Matter***

5. Allowable subject matter of Claims 4-12, 16-24 and 28-36

Claims 4-12, 16-24 and 28-36 are allowed because the independent Claims of these Claims are rewritten in independent form including all of the limitations of the base claim and any intervening claims in accordance to Allowable subject matter in the prior action.

***Conclusion***

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo  
Primary Examiner  
Art Unit 2191  
April 28, 2006